

No. 79
STATE OF MICHIGAN
Journal of the Senate
100th Legislature
REGULAR SESSION OF 2020

Senate Chamber, Lansing, Thursday, October 8, 2020.

10:00 a.m.

The Senate was called to order by the President, Lieutenant Governor Garlin D. Gilchrist II.

The roll was called by the Secretary of the Senate, who announced that a quorum was present.

Alexander—present
Ananich—present
Barrett—present
Bayer—present
Bizon—present
Brinks—present
Bullock—present
Bumstead—present
Chang—present
Daley—present
Geiss—present
Hertel—present
Hollier—present

Horn—present
Irwin—present
Johnson—present
LaSata—present
Lauwers—present
Lucido—present
MacDonald—present
MacGregor—present
McBroom—present
McCann—present
McMorrow—present
Moss—present
Nesbitt—present

Outman—present
Polehanki—present
Runestad—present
Santana—present
Schmidt—present
Shirkey—present
Stamas—present
Theis—present
VanderWall—present
Victory—present
Wojno—present
Zorn—present

Senator Dale W. Zorn of the 17th District offered the following invocation:

Heavenly Father, we come to You today to thank You for Your love and forgiveness. We thank You for all who enter this chamber and their uniqueness, which You created. We ask that You guide us in our decisions, thoughts, and desires. We pray for the people of the state of Michigan and our nation, and for those that defend their liberties and we ask for protection for our first responders that give of themselves for us to remain safe. We ask You to protect our DNR officers that are fighting the California wildfires and to bring them home safely to their families. We ask that You gather Your people and give them comfort and healing. Bless them and guide them. Feed them not only physically, but emotionally and mentally. Lift us up to the desires of Your heart and create within us a clean heart, knowing we are all brothers and sisters through You. Help us to know You are our strength and our salvation.

Dear Lord, help us—members of this Legislature—with your guidance to reason together and to make honorable decisions that will bring us together as a community and as a people. Give us the courage to trust You as You make our way. We come to You in thanksgiving and in praise for all You have done, are doing, and will do, knowing You are the God of hope and action.

In Jesus' name we pray. Amen.

The President, Lieutenant Governor Gilchrist, led the members of the Senate in recital of the *Pledge of Allegiance*.

Senator Schmidt entered the Senate Chamber.

Motions and Communications

Senator MacGregor moved that Senator Lauwers be temporarily excused from today's session. The motion prevailed.

Senator McMorrow moved that Senators Chang and Hollier be temporarily excused from today's session. The motion prevailed.

Senator MacGregor moved that rule 3.901 be suspended to allow filming and photographs to be taken from the Senate Gallery.

The motion prevailed, a majority of the members serving voting therefor.

Senator MacGregor moved that the Committee on Economic and Small Business Development be discharged from further consideration of the following bills:

Senate Bill No. 886, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending sections 17, 27, 28, 28c, 29, and 48 (MCL 421.17, 421.27, 421.28, 421.28c, 421.29, and 421.48), sections 17 and 48 as amended by 2011 PA 269, section 27 as amended by 2016 PA 522, section 28 as amended by 2020 PA 83, section 28c as amended by 2012 PA 579, and section 29 as amended by 2013 PA 146.

Senate Bill No. 911, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending section 68c (MCL 38.68c), as amended by 2020 PA 18.

The motion prevailed, a majority of the members serving voting therefor, and the bills were placed on the order of General Orders.

Senator MacGregor moved that the Committee on Health Policy and Human Services be discharged from further consideration of the following bill:

House Bill No. 6159, entitled

A bill to provide immunity for health care providers and health care facilities in the event of a pandemic; and to clarify the time frame for the immunity.

The motion prevailed, a majority of the members serving voting therefor, and the bill was placed on the order of General Orders.

Senator MacGregor moved that the rules be suspended and that the following bills, now on the order of General Orders, be placed on the General Orders calendar for consideration today:

Senate Bill No. 886

Senate Bill No. 911

House Bill No. 6159

The motion prevailed, a majority of the members serving voting therefor.

Senator MacGregor moved that rule 1.110 be suspended to allow for same-day introduction and referral of bills.

The motion prevailed, a majority of the member serving voting therefor.

Senators Lauwers and Hollier entered the Senate Chamber.

Recess

Senator MacGregor moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 10:06 a.m.

12:20 p.m.

The Senate was called to order by the President, Lieutenant Governor Gilchrist.

During the recess, Senator Chang entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

Resolutions

Senator Chang offered the following resolution:

Senate Resolution No. 147.

A resolution to congratulate the government and people of the Republic of China (Taiwan) on the celebration of their 109th National Day on October 10, 2020.

Whereas, Relations between the Republic of China (Taiwan) and the United States are marked by strong bilateral trade, education, and cultural exchanges; and

Whereas, In 2018, Taiwan's bilateral trade totaled more than \$76 billion in exchanged goods, making the United States the thirteenth-largest trading partner of Taiwan, and Taiwan the fifteenth-largest trading partner of the United States; and

Whereas, Taiwan and the state of Michigan have long benefited from this relationship. Taiwan has been Michigan's sixth-largest market in Asia and Michigan exports to Taiwan have amounted to \$298.59 million; and

Whereas, From 2013-2016, Michigan imports from Taiwan increased from \$705 million to \$867 million, a 23 percent increase, making the outlook for joint economic and cultural growth in the future bright; and

Whereas, Taiwan is capable of and willing to fulfill its responsibilities and collaborate with the world to deal with the challenges of humanitarian aids and disease control; and

Whereas, Taiwan's meaningful participation in international organizations benefits the international community as a whole, including the state of Michigan; now, therefore, be it

Resolved by the Senate, That the members of this legislative body congratulate the government and people of the Republic of China (Taiwan) on their 109th National Day on October 10, 2020; and be it further

Resolved, That we continue to support Taiwan's meaningful participation in international organizations that impact the health, safety, and well-being of its people, while also supporting its aspiration to make more contributions in international societies; and be it further

Resolved, That copies of this resolution be transmitted to the United States Secretary of State, the Taipei Economic and Cultural Office in Chicago, Illinois, and the members of the Michigan congressional delegation.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations,

Senator MacGregor moved that the rule be suspended.

The motion prevailed, a majority of the members serving voting therefor.

The resolution was adopted.

Senator Geiss was named co-sponsor of the resolution.

By unanimous consent the Senate returned to the order of

General Orders

Senator MacGregor moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President, Lieutenant Governor Gilchrist, designated Senator Irwin as Chairperson.

After some time spent therein, the Committee arose; and the President pro tempore, Senator Nesbitt, having assumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 1094, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 21717 (MCL 333.21717), as amended by 2014 PA 66, and by adding section 5145.

Substitute (S-2)

The following is the amendment to the substitute recommended by the Committee of the Whole:

1. Amend page 4, following line 7, by inserting:

"(2) The plan required under subsection (1)(b) shall also provide for both of the following regarding an individual who tests positive for coronavirus and needs to be transferred to a dedicated facility or other location described in subsection (1)(b):

(a) That a physician shall provide, in writing and in a time frame and manner determined by the department, that the individual is medically stable for the transfer.

(b) Twenty-four hour notice to the individual, the individual's family members, or the individual's legal representative regarding the transfer." and renumbering the remaining subsection.

The Senate agreed to the substitute as amended recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

The President, Lieutenant Governor Gilchrist, resumed the Chair.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Bullock, Wojno, Polehanki, Geiss, Brinks, McCann, Hertel and Irwin introduced

Senate Bill No. 1181, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 437 (MCL 208.1437), as amended by 2017 PA 217.

The bill was read a first and second time by title and referred to the Committee on Finance.

Senator Stamas introduced

Senate Bill No. 1182, entitled

A bill to amend 1979 PA 152, entitled "State license fee act," by amending section 43 (MCL 338.2243), as amended by 2015 PA 75.

The bill was read a first and second time by title and referred to the Committee on Regulatory Reform.

Senators Santana, Irwin, Bayer, Wojno, Geiss, Hollier and Bullock introduced

Senate Bill No. 1183, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 2 of chapter XI (MCL 771.2), as amended by 2017 PA 10.

The bill was read a first and second time by title and referred to the Committee on Judiciary and Public Safety.

Senators VanderWall, Irwin, Bayer, Wojno, Geiss and Bullock introduced

Senate Bill No. 1184, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending sections 38 and 42 (MCL 791.238 and 791.242), section 38 as amended by 1994 PA 217 and section 42 as amended by 2006 PA 170, and by adding section 42a.

The bill was read a first and second time by title and referred to the Committee on Judiciary and Public Safety.

Senator VanderWall introduced

Senate Bill No. 1185, entitled

A bill to provide immunity for health care providers and health care facilities in the event of a pandemic; and to clarify the time frame for the immunity.

The bill was read a first and second time by title and referred to the Committee on Health Policy and Human Services.

Senator MacGregor introduced

Senate Bill No. 1186, entitled

A bill to amend 2000 PA 305, entitled "Uniform electronic transactions act," by amending section 18 (MCL 450.848) and by adding section 18a.

The bill was read a first and second time by title and referred to the Committee on Government Operations.

Senator MacGregor introduced

Senate Bill No. 1187, entitled

A bill to amend 2003 PA 238, entitled "Michigan law on notarial acts," by amending section 26 (MCL 55.286), as added by 2018 PA 360, and by adding section 26c.

The bill was read a first and second time by title and referred to the Committee on Government Operations.

Senator MacGregor introduced

Senate Bill No. 1188, entitled

A bill to amend 2010 PA 123, entitled "Uniform real property electronic recording act," by amending sections 3 and 4 (MCL 565.843 and 565.844), section 4 as amended by 2018 PA 364, and by adding section 5a.

The bill was read a first and second time by title and referred to the Committee on Government Operations.

Senator MacGregor introduced

Senate Bill No. 1189, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 2502, 3206, 5501, and 5506 (MCL 700.2502, 700.3206, 700.5501, and 700.5506), section 3206 as amended by 2016 PA 57, section 5501 as amended by 2012 PA 141, and section 5506 as amended by 2008 PA 41, and by adding sections 1202 and 5108a.

The bill was read a first and second time by title and referred to the Committee on Government Operations.

Senator Schmidt introduced

Senate Bill No. 1190, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 306, 312f, 312k, 801, and 811 (MCL 257.306, 257.312f, 257.312k, 257.801, and 257.811), sections 306 and 312f as amended and section 312k as added by 2020 PA 127, section 801 as amended by 2020 PA 103, and section 811 as amended by 2006 PA 589.

The bill was read a first and second time by title and referred to the Committee on Government Operations.

Senator Schmidt introduced
Senate Bill No. 1191, entitled

A bill to amend 1972 PA 222, entitled “An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes,” by amending section 2 (MCL 28.292), as amended by 2020 PA 128.

The bill was read a first and second time by title and referred to the Committee on Government Operations.

Senator Schmidt introduced
Senate Bill No. 1192, entitled

A bill to amend 2008 PA 23, entitled “Enhanced driver license and enhanced official state personal identification card act,” by amending section 6 (MCL 28.306), as amended by 2020 PA 129.

The bill was read a first and second time by title and referred to the Committee on Government Operations.

By unanimous consent the Senate returned to the order of
Motions and Communications

Senator MacGregor moved that the rules be suspended and that the following bill, now on Third Reading of Bills, be placed on its immediate passage:

Senate Bill No. 1094

The motion prevailed, a majority of the members serving voting therefor.

By unanimous consent the Senate proceeded to the order of
Third Reading of Bills

Senator MacGregor moved that the Senate proceed to consideration of the following bill:

Senate Bill No. 1094

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 1094, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 21717 (MCL 333.21717), as amended by 2014 PA 66, and by adding section 5145.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 393

Yeas—38

Alexander	Geiss	MacGregor	Santana
Ananich	Hertel	McBroom	Schmidt
Barrett	Hollier	McCann	Shirkey
Bayer	Horn	McMorrow	Stamas
Bizon	Irwin	Moss	Theis
Brinks	Johnson	Nesbitt	VanderWall
Bullock	LaSata	Outman	Victory
Bumstead	Lauwers	Polehanki	Wojno
Chang	Lucido	Runestad	Zorn
Daley	MacDonald		

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate returned to the order of
General Orders

Senator MacGregor moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President, Lieutenant Governor Gilchrist, designated Senator Irwin as Chairperson.

After some time spent therein, the Committee arose; and the President pro tempore, Senator Nesbitt, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 911, entitled

A bill to amend 1943 PA 240, entitled “State employees’ retirement act,” by amending section 68c (MCL 38.68c), as amended by 2020 PA 18.

Substitute (S-1)

The following is the amendment to the substitute recommended by the Committee of the Whole:

1. Amend page 9, line 18, after “unless” by striking out the balance of the line through “law.” on line 19 and inserting “all of the following bills of the 100th Legislature are enacted into law:

- (a) Senate Bill No. 886.
- (b) House Bill No. 6030.
- (c) House Bill No. 6031.
- (d) House Bill No. 6032.
- (e) House Bill No. 6101.”.

The Senate agreed to the substitute as amended recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

The President, Lieutenant Governor Gilchrist, resumed the Chair.

Recess

Senator MacGregor moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 12:42 p.m.

1:02 p.m.

The Senate was called to order by the President pro tempore, Senator Nesbitt.

Senator MacGregor moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President, Lieutenant Governor Gilchrist, designated Senator Irwin as Chairperson.

Recess

Senator MacGregor moved that the Committee of the Whole recess subject to the call of the Chairperson.

The motion prevailed, the time being 1:06 p.m.

1:25 p.m.

The Committee of the Whole was called to order by the Chairperson, Senator Irwin.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Gilchrist, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 886, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending sections 17, 27, 28, 28c, 29, and 48 (MCL 421.17, 421.27, 421.28, 421.28c, 421.29, and 421.48), sections 17 and 48 as amended by 2011 PA 269, section 27 as amended by 2016 PA 522, section 28 as amended by 2020 PA 83, section 28c as amended by 2012 PA 579, and section 29 as amended by 2013 PA 146.

Substitute (S-2)

The following is the amendment to the substitute recommended by the Committee of the Whole:

1. Amend page 54, following line 2, by inserting:

"Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 100th Legislature are enacted into law:

- (a) Senate Bill No. 911.
- (b) House Bill No. 6101.
- (c) House Bill No. 6030.
- (d) House Bill No. 6031.
- (e) House Bill No. 6032."

The Senate agreed to the substitute as amended recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator MacGregor moved that the rules be suspended and that the following bills, now on Third Reading of Bills, be placed on their immediate passage:

Senate Bill No. 886

Senate Bill No. 911

The motion prevailed, a majority of the members serving voting therefor.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

Senator MacGregor moved that the Senate proceed to consideration of the following bills:

Senate Bill No. 886

Senate Bill No. 911

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 886, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending sections 17, 27, 28c, 28d, 29, and 48 (MCL 421.17, 421.27, 421.28c, 421.28d, 421.29, and 421.48), sections 17 and 48 as amended by 2011 PA 269, section 27 as amended by 2016 PA 522, section 28c as amended by 2012 PA 579, section 28d as added by 2012 PA 216, section 29 as amended by 2013 PA 146, and by adding section 32c.

The question being on the passage of the bill,

Senator McMorroff offered the following amendment:

1. Amend page 54, line 3, by striking out all of lines 3 through 10 and inserting:

"Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 100th Legislature are enacted into law:

- (a) Senate Bill No. 995.
- (b) Senate Bill No. 996.
- (c) Senate Bill No. 997.
- (d) Senate Bill No. 998.
- (e) Senate Bill No. 999.
- (f) Senate Bill No. 1000.

- (g) Senate Bill No. 1001.
- (h) Senate Bill No. 1002.
- (i) Senate Bill No. 1003.
- (j) Senate Bill No. 1004.
- (k) Senate Bill No. 1005.”.

The question being on the adoption of the amendment,
 Senator Chang requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 394

Yeas—16

Alexander	Bullock	Hollier	Moss
Ananich	Chang	Irwin	Polehanki
Bayer	Geiss	McCann	Santana
Brinks	Hertel	McMorrow	Wojno

Nays—22

Barrett	LaSata	Nesbitt	Stamas
Bizon	Lauwers	Outman	Theis
Bumstead	Lucido	Runestad	VanderWall
Daley	MacDonald	Schmidt	Victory
Horn	MacGregor	Shirkey	Zorn
Johnson	McBroom		

Excused—0

Not Voting—0

In The Chair: President

Senator Hertel offered the following amendment:

1. Amend page 54, line 3, by striking out all of lines 3 through 10.

The question being on the adoption of the amendment,
 Senator Chang requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 395

Yeas—16

Alexander	Bullock	Hollier	Moss
Ananich	Chang	Irwin	Polehanki
Bayer	Geiss	McCann	Santana
Brinks	Hertel	McMorrow	Wojno

Nays—22

Barrett	LaSata	Nesbitt	Stamas
Bizon	Lauwers	Outman	Theis

Bumstead	Lucido	Runestad	VanderWall
Daley	MacDonald	Schmidt	Victory
Horn	MacGregor	Shirkey	Zorn
Johnson	McBroom		

Excused—0

Not Voting—0

In The Chair: President

The question being on the passage of the bill,
The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 396

Yeas—38

Alexander	Geiss	MacGregor	Santana
Ananich	Hertel	McBroom	Schmidt
Barrett	Hollier	McCann	Shirkey
Bayer	Horn	McMorrow	Stamas
Bizon	Irwin	Moss	Theis
Brinks	Johnson	Nesbitt	VanderWall
Bullock	LaSata	Outman	Victory
Bumstead	Lauwers	Polehanki	Wojno
Chang	Lucido	Runestad	Zorn
Daley	MacDonald		

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Senators McMorrow, Hertel, Stamas and Horn asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator McMorrow’s first statement is as follows:

Especially on a day like today, it is important that we are reminded of all of the people throughout Michigan who have been suffering throughout this pandemic. At one point, we had more than one million Michiganders apply for unemployment through the UIA system—one-tenth of our population. And what this experience has shown us—and I’m sure all of you like myself have spent hours and hours in our office shifting all of our staff time to responding to people who need assistance with UIA, who aren’t getting their

benefits, who are getting hit with roadblocks, who can't get through the system, or who simply find out that they don't qualify when they are running out of any other options. We had a constituent in my office who was having a really, really hard time getting a phone call back and got to the point where her phone line was shut off and trying to navigate with her how we could get somebody to contact her. So it's made it very, very clear, and I'm glad we're taking up this legislation today to codify the executive orders to extend unemployment. But we've got to go a lot further.

A few months ago my colleagues and I introduced a series of bills to permanently amend our UIA system to make sure that we eliminate those hurdles to make sure that this safety net is there for people when they need it so that if we ever find ourselves in a crisis like this again, or if anybody is ever finding themselves in this situation where they need to rely on the unemployment system, that it works and that it is there and that it is reliable for everybody who relies on it. So just a few of the things that are offered in this amendment through the bills that were tie-barred would, yes, extend the benefit to 26 weeks on a permanent basis; would provide a grant of \$1,000 to individuals who are experiencing delay, which could be a lifeline for so many people we know who have been waiting for months to have their cases resolved, especially if they had gotten hit with potential fraud in their cases as well; it would clarify that independent contractors—as we have so many more workers who are in the gig economy or working for themselves—would continue to be eligible to receive unemployment; it would allow for seasonal employees to collect unemployment benefits during the off-season, which is a question I know many of us got in our offices; it would allow for low-wage school employees to collect unemployment benefits during the summer and winter; and it would also clarify that only the separating employer will be used to determine a non-monetary issue. We saw many instances where previous employers—numerous employers—were holding up some of our constituents receiving the benefits that they so desperately needed.

So I would encourage a “yes” vote on this amendment. Again, I am very grateful that we are doing the work and we're called back here into session today to make sure that the unemployment system is extended and available to people. Let's take this opportunity to permanently codify these changes into law to fix our unemployment system and make sure that it works for everybody when they need it.

Senator Hertel's first statement is as follows:

The people who are suffering on unemployment right now didn't decide to be part of a global pandemic, didn't decide to quit their jobs, didn't decide to be part of this political game. They didn't decide to be part of a lawsuit that effectively takes and puts their unemployment benefits at risk. This amendment will strike the enacting section that tie-bars this bill to four bills that deal with giving immunity to businesses in the middle of this pandemic.

The majority says that they want to be a part of governing. The idea that these people are hurting—the idea that we would stand in the middle of that and put four other bills as a higher priority to this—is frankly irresponsible. We have a responsibility to get in the room, work with each other, and solve problems together. I've heard a lot about this responsibility to govern and work together. This is not that. What this is, is putting politics above those that are suffering. When you walk in to this body, you aren't just representing yourself, you aren't representing any special interests, you are representing the 250,000 people that you serve. When you push that button, you are a representative of those 250,000 people. And the idea that in the middle of a pandemic—the idea that in the middle of the economic uncertainty that is out there—that we would put politics and games in front of those peoples' safety, of those peoples' economic well-being, in front of those people's families is unconscionable.

The people that you represent need help now. It is not their fault that we filed a lawsuit. They are not part of this political game. The people do not care about whether Republicans or Democrats are winning in Lansing. They care about what their family is winning—what's happening on their table. They don't care what's going on in the negotiation table here, who's there, who's talking to who. They care about putting food on that table for their family. And this amendment gets right in the middle of that. Because if you don't accept this amendment what you're basically saying is that your politics is more important than their family; that your politics is more important than the food that is on their table.

I am willing to work with anyone to try and bridge the gap that has plagued this body—that has plagued Michigan government. We need to work with each other. But to put an unnegotiated four-bill package in front of the unemployment benefits for our citizens—you all know that that is not the way this works. You want to be part of governing, let's govern. Let's get in a room. Let's negotiate. Let's work together. Let's put the people of the state first. But let's reject this political game we're playing today, take this amendment off of this bill right now, and put the people and their families first. I plead that we find a way to work together. I plead that we take this amendment—that is blocking the unemployment benefits from citizens moving forward—and vote “yes” on this amendment.

Senator Stamas' statement is as follows:

I rise to respond to the comments of my good colleague. These politics started five months ago. These politics have been affecting our families for almost six months. The politics do need to stop. Our businesses need the protection. The employees need the protection. The politics do need to stop, and we're ready to do that.

Senator Horn's statement is as follows:

We've sat here over the last several months, since the beginning of this pandemic, and we've heard over and over again the politics that our side is playing. I am offended by this. We've been trying to work together. We passed unemployment reform to match the Governor's executive order back in the spring. That was vetoed. We tried to protect people in nursing homes. That was vetoed. We tried to protect health care workers from immunity. That was vetoed.

We spent the last six months—if the Governor had come to us instead of doing this alone, if she was truly interested in working together, she would have come to this body. When she walks over to the Capitol Building, instead of making snarky, condescending speeches about us not working with her, she should come on this Senate floor, talk to that side and talk to this side, and tell us what she wants. But she hasn't done that. Had we been working on this bill for the past six months on unemployment and on liability, but I would remind my colleagues too as they're making their speeches, this isn't just about businesses. This is about schools, about some liability limitations on the effects in our schools. They're afraid to open up. I have businesses, some national companies, that aren't even going to call employees back until next June because they're afraid of liability.

There are protections in this four-bill package that is being tie-barred for employees so that they cannot be fired if they stay at home because they have COVID-19 or they have family members they're taking care of. I think it's an outrage to say that we're playing politics with this. In Senate Bill No. 886, there are protections for employees, there are some protections for employers, there are mechanisms to be able to take federal dollars on behalf of employees in the state of Michigan. No, employees didn't choose to be part of all of this. Their paychecks were taken away from them when our economy was shut down by executive order.

We have a lot of things to deal with as we re-open and protecting our employers—public and private—and protecting our employees is our top priority. Politics isn't a part of this.

Senator McMorrow's second statement is as follows:

I rise in my support of the Hertel amendment to break the tie-bar to these bills, and I'm happy to discuss them. We reviewed these bills in the Economic and Small Business Development Committee and did not vote them out. I think one of the things that's really important is that we grapple with the reality of the situation.

As of September 1, nationwide, there were about 4,600 lawsuits that had been filed with businesses related to COVID-19. Nine of them—nine—across the entire country were employees filing lawsuits against their employer related to protections or lack thereof related to COVID-19. A majority of those lawsuits were related to insurance disputes, which has nothing to do with what we're talking about here, but what this says is that we are granting blanket liability protections to employers at a time when all of the employers that I talk to say their biggest issue right now is getting employees to come back to work. Many of those employees are scared. They want to come back to work. They don't want to receive unemployment. They want to get back to their jobs. They want their kids to go back to school. They want things to go back to normal.

But they're not going to go to a workplace that they see has no responsibility for them as an employee, that has blanket liability protections, that if they get sick at work, that their employer is not responsible for that. We've already seen some of our farm workers and the groups representing farm workers come out in opposition to these bills for that exact reason. That we want to make sure there are worker protections. We want to make sure that everybody is doing the right thing and that we don't create a space where employers who are not doing the right thing, who are not encouraging their employees to wear masks or social distance or wash their hands or do the things that we all know need to be done for us to open and re-open and stay open safely, that we're not creating a space where they are not responsible for those basic protections with their employees.

The unintended consequence considering these are bills in search of a problem given that we have not seen litigation at the scale that many of the business groups say we are, is that it might scare people from going back to work. When I talk to every single employer, that is the biggest issue—how do we get people back to work safely?

Senator Hertel’s second statement is as follows:

To my good friend from the 32nd District, I’m not talking about the merits of this issue at all. I think the bills you’re talking about have merit and I think they should go through the process and we should discuss them and we should negotiate them and figure it out. What I am saying is that the idea that you would say that before we do all that, before we have negotiations or discussions, that those bills have to be signed by the Governor before we give unemployment benefits that were taken away through no fault of people’s own, that they might owe thousands of dollars back to the state because of a lawsuit they’re not part of. And only one group decided to take those powers away from the Governor so that those consequences are there. Let’s work together and solve the immediate problem in front of us—the thousands of people in our own districts who lose unemployment based on a lawsuit—and let that be the first thing we work on without any other political nonsense. I ask that you vote “yes” on my amendment.

The following bill was read a third time:

Senate Bill No. 911, entitled

A bill to amend 1943 PA 240, entitled “State employees’ retirement act,” by amending section 68c (MCL 38.68c), as amended by 2020 PA 18.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 397

Yeas—38

Alexander	Geiss	MacGregor	Santana
Ananich	Hertel	McBroom	Schmidt
Barrett	Hollier	McCann	Shirkey
Bayer	Horn	McMorrow	Stamas
Bizon	Irwin	Moss	Theis
Brinks	Johnson	Nesbitt	VanderWall
Bullock	LaSata	Outman	Victory
Bumstead	Lauwers	Polehanki	Wojno
Chang	Lucido	Runestad	Zorn
Daley	MacDonald		

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Recess

Senator MacGregor moved that the Senate recess subject to the call of the Chair. The motion prevailed, the time being 1:55 p.m.

2:06 p.m.

The Senate was called to order by the President, Lieutenant Governor Gilchrist.

By unanimous consent the Senate returned to the order of
General Orders

Senator MacGregor moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President, Lieutenant Governor Gilchrist, designated Senator Irwin as Chairperson.

After some time spent therein, the Committee arose; and the President, Lieutenant Governor Gilchrist, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 1108, entitled

A bill to amend 1976 PA 267, entitled "Open meetings act," by amending section 3 (MCL 15.263), as amended by 2018 PA 485, and by adding section 3a.

Substitute (S-4)

The following are the amendments to the substitute recommended by the Committee of the Whole:

1. Amend page 5, line 14, after "**Before**" by striking out "**March**" and inserting "**January**".
2. Amend page 5, line 18, after "**after**" by striking out "**March**" and inserting "**January**".
3. Amend page 5, line 18, after "**2021**" by inserting "**through December 31, 2021**".
4. Amend page 5, line 19, after "**accommodation**" by striking out the balance of the line through "**3(2).**" on line 20 and inserting "**of members absent due to a medical condition or statewide or local state of emergency as described in section 3(2).**"

(c) On and after January 1, 2021, only in the circumstances requiring accommodation of members absent due to military duty as described in section 3(2)."

The Senate agreed to the substitute as amended recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

By unanimous consent the Senate returned to the order of
Motions and Communications

Senator MacGregor moved that the rules be suspended and that the following bill, now on Third Reading of Bills, be placed on its immediate passage:

Senate Bill No. 1108

The motion prevailed, a majority of the members serving voting therefor.

By unanimous consent the Senate returned to the order of
Third Reading of Bills

The following bill was read a third time:

Senate Bill No. 1108, entitled

A bill to amend 1976 PA 267, entitled "Open meetings act," by amending section 3 (MCL 15.263), as amended by 2018 PA 485, and by adding section 3a.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 398

Yeas—36

Alexander	Daley	MacDonald	Santana
Ananich	Geiss	MacGregor	Schmidt
Barrett	Hertel	McCann	Shirkey
Bayer	Hollier	McMorrow	Stamas
Bizon	Horn	Moss	Theis
Brinks	Johnson	Nesbitt	VanderWall
Bullock	LaSata	Outman	Victory
Bumstead	Lauwers	Polehanki	Wojno
Chang	Lucido	Runestad	Zorn

Nays—2

Irwin

McBroom

Excused—0**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

Protest

Senator McBroom, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 1108 and moved that the statement he made during the discussion of the bill be printed as his reasons for voting “no.”

The motion prevailed.

Senator McBroom’s statement is as follows:

I want to first express my appreciation for some of the amendments that have just been made to Senate Bill No. 1108. The sunsets at least put a date on the calendar when we can discuss these changes again, hopefully in a setting with less emotional influence. Even so, I must vote “no” because I find the legislation to be setting a dangerous precedent for the sanctity and openness of our local governments. So, before we walk into making this choice that seems so non-threatening and copasetic, I want to be sure that you hear a voice of warning about the real dangers of this policy.

The general premise that this is even necessary for our local elected leaders flies in the face of logic and equity. Here we are working. Our grocery store workers are working. Our hospital and health care workers are working. Schools are operating. Churches are meeting. Are we to simply accept the premise that sitting in a city council meeting is too dangerous and can’t have its potential risks readily mitigated? I think not. So why are we doing this? If this was only permitted once an emergency was declared I could give it a second thought but even then, emergencies can be declared for many situations that are not necessarily placing a council or board in any danger at all. Why should these provisions be granted in those type of emergencies?

People say things to me like, ‘What’s the big deal? This works fine.’ Or, ‘We have more people participating now.’ But I have attended some of these meetings that allow remote participation of members. They’ve been riddled with examples of dangerous abuses that allow abuse of members and the public. I attended one school board meeting where a member participated from an airport in another state. He wasn’t called until near the vote. He didn’t participate with the public comment or the board discussion until the very end. In that case it was obvious that he’s not hearing the input from the public and the faculty there to comment on the agenda items and the board decisions. And nothing in this bill assures us of anything better. We have no way to know that members aren’t watching television during the public comment or board discussion. No way to know that the blank screen that we’re seeing isn’t them stepping out to use the bathroom or grab the third or fourth beer of the night. No way to know that it’s not someone on the other side of their camera unduly influencing their vote. There is even the chance that it might not even be them voting if they end up submitting their vote through the chat option because the audio has stopped working. Even this provision for sick members to attend with a doctor’s note can be readily abused. Several or even all the members might be sick, leaving less than a quorum or even no one at all in the physical meeting room.

While using our modern technology seems like an easy answer, not just in to current situation but to any impracticality surrounding our system of representative government, the problems I mentioned are very real and easily-envisioned outcomes. How many of us have turned the camera off and muted our phone to take another call, or use the bathroom, or speak to the McDonald’s drive thru speaker, or read a Facebook post, or make a colorful or disparaging remark to somebody else who’s in the room with us listening in to the call

that we haven't told anybody else that they were listening in on the call? How many of us use the chat feature? What's to stop board members from using the chat feature to discuss actual policy discussions privately while someone else from the public is there talking? What if the members were to walk out of the room—get up, walk out of the room, and hold another meeting to discuss during the public comment period? That would be an open violation of the Open Meetings Act, but we're doing nothing when that exact same thing happens in a chat room in the meeting room. At least when it's in the public, the members of the public who are there can see what the board members are doing and see they're not paying attention and hold them accountable that way. Zoom participation does not do this.

This doesn't even acknowledge what process would constitute a failure to have an open meeting should the technology fail or glitch up. If the technology cuts out during a vote does the meeting stop? What if the members can't get back on the call? What if a quorum is suddenly missing? Does the meeting adjourn? Where are the rules to provide order and fairness to this?

Still, I can hear some of you saying I am making a big deal about this because all of the recent work we have been doing contains this component and it's been working out. But I call on all of you to recognize that the longer this goes on, the more normal it becomes; and the more important and significant the policy discussions that are done this way become, the more corrupted these methods will become. Power corrupts and as our local bodies and leaders or even potentially this body—should we ever excuse ourselves with these provisions—it won't be long before these seemingly innocuous provisions devolve into a cancer on the democratic process.

It is critical to recognize that these meetings are done in the public eye and together for critical reasons that we should not just casually cast aside. Appointed and volunteer boards and authorities are not my concern and they should have these provisions, but elected members have stood to be counted as willing to speak for their constituents. They wanted and worked for the job and they knew it would entail public interfacing and potentially even some danger. We wanted this job. And life happens. People get sick or have other obligations that happen and take them away from a meeting. That's ok. There is no shame in taking an absence at times. But should citizens who have decided to live outside of their district or state for several months of the year actually continue to serve? Can they actually serve? The citizens need a place to confront their electeds openly. Sometimes even their presence in a council chamber or in the Senate Gallery communicates that message. Do we really believe a number count at the bottom of the screen conveys that same message of support or opposition to the elected people?

In closing, I ask you to vote "no". Restarting the regular order of our local elected boards, except during a declared emergency where their lives are endangered by meeting, should be our goal, not this broad and problematic solution.

Senators Barrett and Ananich asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Barrett's statement is as follows:

I share a lot of the heartburn that was shared by my colleague who spoke just before me. I'm really conflicted on this particular bill because I think that certainly retroactively allowing for these types of decisions that have already been made is necessary for the continuity of government in these local affairs and things that have been going on. And I think there are certain provisions right now where we should allow this as a permissive use temporarily. Where I really struggle—and where I've shared this with the bill sponsor—is on this idea that a person could have a note from a doctor for any medical reason that he or she chooses to use that as a reason not to attend a meeting in person.

All of us here can point to an example of a vote we've taken where we would've been much more comfortable not being here in person to face the scrutiny that comes with the job that we are doing. And I think it's something that could be certainly abused by those who have illegitimate intent with this. It actually wasn't that long ago—there was an example of the University of Michigan Board of Regents meeting in Los Angeles. Seven of their eight board members, I believe, met remotely in another state and people who wanted to attend the meeting were in a conference room where there was a speakerphone connected to whatever meeting they were having in another state. And that's before this bill even takes effect.

So I really call on the House to take out the provision that would—in my opinion—lead to an abuse of people using a medical condition to allow them to avoid the scrutiny that comes with their responsibilities. I'm going to vote for this bill in its form today to move it to the House in hopes that that will get done, because I do think the retroactivity piece of this is important to look at so that the decisions that have already been made in a good faith manner at the local level are upheld and are respected, but I do feel like this is a slippery slope and I think there is more work to be done on the bill.

Senator Ananich's statement is as follows:

I'd like to commend both the previous speakers, but I want to speak specifically to the Senator from the 38th District's comments. And I'm going to do something that I've never done here before.

That was a—and I hope you take this with all seriousness; I mean nothing but that—that was one of the most rational, thoughtful statements I've heard from this body in a long time. You brought up a lot of really important points that I think we should consider. And I think—you didn't sway me—but you made some really, really important points. But you almost did. And there was two provisions—one that the Senator from the 24th District brought up that I think—there are two pieces that are still going to give me pause, but I'm going to vote for this bill. But one piece, I think, that is extremely important is the sunset. And I hope—and sometimes we don't do this; this is no one's fault, this is both sides'—we should seriously take some time to look at how we want to see local governments, boards, and commissions go forward. We have a number of members of this chamber who've worked on transparency for their entire career who I think have brought up some really important points, have talked about it in an eloquent way, and I commend the bill sponsor for the intent she's working on. And I think it's important that we pass this bill today. But I think we should acknowledge that there's work that needs to be done.

And I've criticized you before from here, I figured I should get up and say positive things about you when I agree with it. So, you made a lot of really great points. And to the bill sponsor—I appreciate your willingness to work on this.

By unanimous consent the Senate proceeded to the order of
Statements

Senators Shirkey and Polehanki asked and was granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Shirkey's statement is as follows:

A threat against our Governor is a threat against us all. We condemn the actions of the group of individuals who plotted against Governor Whitmer and state government. These people are not patriots. There is no honor in their actions. They are criminals and traitors and they should be prosecuted to the fullest extent of the law. Citizens who care about government show their passions by voting. Only terrorists resort to violence.

We extend our gratitude to the men and women in law enforcement for their work in overcoming this threat, and the Governor and her family are in our thoughts and in our prayers.

Senator Polehanki's statement is as follows:

Mr. President, I'm scared and I'm mad and I refuse to take it any longer. Colleagues, in June when the world was shown the reality of our workplace in the Michigan Capitol, they were appalled. Men armed to the teeth stormed our chambers to intimidate us. And today, we found out that these threats were real. There was a plan in place to not only scare us but to kidnap us and kill us.

Mr. President, today the Attorney General of the state of Michigan, Dana Nessel, along with the U.S. attorneys' offices, the FBI, and the Michigan State Police just announced a major law enforcement operation and criminal charges pertaining to half-a-dozen individuals, most from Michigan, in connection with verified alleged plots according to an affidavit to target and kill Michigan police officers, blow up police vehicles, gather hundreds of men to storm our Capitol Building here in Lansing, counter our sergeants-at-arms, take hostages, kidnap politicians, bomb the Governor's residence, and kidnap the Governor whom they would try for treason ahead of the November election. These individuals, a couple of whom reportedly met at a Second Amendment rally here at the Capitol, held meetings, communicated via secret channels, engaged in firearms training and tactical drills, sought out the home addresses of members of law enforcement, and surveilled the Governor's residences. It is interesting to me that one of the conspirators was quoted as saying of the Governor, and I quote—and I'm not going to swear, so I will say—"she f-----g g-d d-n well loves the power she has right now. She has no checks and balances at all. She has uncontrolled power right now."

We should all be humbly thanking the Michigan State Police and the FBI and undercover agents and all the other law enforcement officers who thwarted these plots because we literally dodged death this time. This time. But what about next time? Because there will be a next time. And God forbid there are children in this building—like there are today—if they succeed. We need to liberate Michigan from threats of violence.

I pray for our Governor and her family who don't deserve any of this, I pray for Michigan's police officers and for our sergeants-at-arms, and I pray for us. I pray for our safety, and I pray that we use our God-given common sense to make a law banning guns from this building. If not now, when? We may not get a second chance like we had today. I appreciate the Senator from the 16th District's remarks, and I ask him to consider taking up my bill along with the bill from the Senator from the 12th District which would ban guns from this building. It is sitting now in the Committee on Government Operations.

Senator MacGregor moved that when the Senate adjourns today, it stand adjourned until Tuesday, October 13, at 10:00 a.m.
The motion prevailed.

Announcements of Printing and Enrollment

The Secretary announced that the following bill was printed and filed on Wednesday, October 7, and is available on the Michigan Legislature website:

House Bill No. 6292

Committee Reports

The Committee on Health Policy and Human Services reported

Senate Bill No. 1081, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16105 and 16106 (MCL 333.16105 and 333.16106), as amended by 2002 PA 643.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Curtis S. VanderWall
Chairperson

To Report Out:

Yeas: Senators VanderWall, Bizon, LaSata, MacDonald, Theis, Brinks, Hertel, Santana and Wojno

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Health Policy and Human Services reported

House Bill No. 4958, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 16279.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

The committee further recommends that the bill be given immediate effect.

Curtis S. VanderWall
Chairperson

To Report Out:

Yeas: Senators VanderWall, Bizon, LaSata, MacDonald, Theis, Brinks, Hertel, Santana and Wojno

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy and Human Services submitted the following:

Meeting held on Wednesday, October 7, 2020, at 11:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators VanderWall (C), Bizon, LaSata, MacDonald, Theis, Brinks, Hertel, Santana and Wojno

Excused: Senator Johnson

The Committee on Oversight reported

House Bill No. 5015, entitled

A bill to amend 2016 PA 370, entitled "Electronic open access to government act," by amending section 1 (MCL 15.451).

With the recommendation that the bill pass.

Ed McBroom
Chairperson

To Report Out:

Yeas: Senators McBroom, Lucido, Theis, MacDonald and Irwin

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Oversight submitted the following:

Meeting held on Wednesday, October 7, 2020, at 12:30 p.m., Room 1100, Binsfeld Office Building

Present: Senators McBroom (C), Lucido, Theis, MacDonald and Irwin

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary and Public Safety submitted the following:

Meeting held on Wednesday, October 7, 2020, at 9:00 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Lucido (C), VanderWall, Barrett, Runestad, Chang and Irwin

Excused: Senator Johnson

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Wednesday, October 7, 2020, at 1:00 p.m., Room 403, 4th Floor, Capitol Building

Present: Senators Runestad (C), Nesbitt, VanderWall and Chang

Excused: Senators Daley, Bumstead and Alexander

Scheduled Meetings

COVID-19 Joint Select – Monday, October 19, 10:00 a.m., Room 352, House Appropriations Room, 3rd Floor, Capitol Building (517) 373-5795

Judiciary and Public Safety – Tuesday, October 13, 8:30 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-5312

Senator MacGregor moved that the Senate adjourn.

The motion prevailed, the time being 2:25 p.m.

In pursuance of the order previously made, the President, Lieutenant Governor Gilchrist, declared the Senate adjourned until Tuesday, October 13, 2020, at 10:00 a.m.

MARGARET O'BRIEN
Secretary of the Senate

